Regular Session, 2010

HOUSE BILL NO. 741

## BY REPRESENTATIVE JOHNSON

1	AN ACT
2	To amend and reenact R.S. 46:236.1.4(B), relative to family and child support programs; to
3	provide for financial institution duties; to provide for the authority of other states to
4	place levies and liens on assets of noncustodial parents; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 46:236.1.4(B) is hereby amended and reenacted to read as follows:
8	§236.1.4. Family and child support programs; financial institution duties;
9	responsibilities
10	* * *
11	B.(1) For the purposes of this Subsection, the following definitions shall
12	apply:
13	(a) "Financial institution" shall have the meaning ascribed in R.S.
14	46:236.1.1.
15	(b) "Title IV-D agency" shall mean an agency that administers child support
16	programs pursuant to Title IV-D of the Social Security Act of 1975.
17	(2) In response to a notice of lien or levy, a financial institution shall
18	encumber or surrender assets held by such institution on behalf of the noncustodial
19	parent who is subject to a child support lien pursuant to 42 U.S.C. 666(a)(4). The
20	state shall recognize the authority of Title IV-D agencies in other states to enforce
21	all child support matters if the provisions of this Subsection are met.
22	(3) Any Title IV-D agency may enforce a lien in this state by attaching and
23	seizing of assets of the delinquent obligor held in a financial institution operating in
24	Louisiana without the necessity of obtaining an order from any other judicial or

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	administrative tribunal if the financial institution is presented with a properly
2	documented request. To be properly documented and valid, such request shall
3	contain all of the following:
4	(a) A certified copy of the judgment or administrative order issued by the
5	appropriate legal authority establishing the lien.
6	(b) A letter or notice of lien or levy which includes all of the following
7	information:
8	(i) The name of the Title IV-D agency responsible for making the request for
9	attachment and seizure of assets.
10	(ii) The name of the Title IV-D agency representative responsible for making
11	the request for attachment and seizure of assets.
12	(iii) The name of the financial institution to whom the request for attachment
13	and seizure is directed.
14	(iv) The name and social security number of the obligor against whom the
15	lien is sought to be enforced.
16	(v) The name and address of the Title IV-D agency to whom the financial
17	institution is to remit the seized assets or deposits.
18	(vi) A statement confirming that a copy of the request for attachment and
19	seizure of assets or deposits was sent to the obligor by certified mail with return
20	receipt requested.
21	(4) To transmit a request prepared in accordance with the provisions of this
22	Subsection, a Title IV-D agency shall send the request by certified mail with return
23	receipt requested to all of the following:
24	(a) A financial institution through its registered agent as defined in R.S.
25	<u>6:285(C).</u>
26	(b) The obligor against whom the lien is sought to be enforced.
27	(5) If, after fifteen days from the date that a financial institution receives a
28	request which conforms with the provisions of this Subpart, the person against whom
29	the lien is sought has not provided written notice stating that he has taken legal
30	action to enjoin or otherwise restrain compliance with the request, then the financial

1 institution may remit funds or other assets to the Title IV-D agency making the 2 request. 3 (6) No financial institution, including its directors, officers, employees, 4 attorneys, accountants, or other agents, shall incur liability to any person, including any depositor or other customer, as a result of remitting deposits or other assets to 5 a Title IV-D agency in compliance with a request that conforms to the provisions of 6 7 this Subsection. 8 SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: